

REMARKS

Responsive to the determination of lack of unity in the outstanding Official Action, Applicants provisionally elect claims 1, 3-5 drawn to a method, with traverse.

The reasons for traverse follow:

The particular document which apparently teaches the "special technical feature" shared by all of the pending claims has not been identified. PCT Rule 13.2 is art-based and requires the citation of a publication showing the "special technical feature", absent any showing that the "special technical feature" the unity of invention cannot be determined.

Moreover, the record is not clear as to the reason for imposing a restriction requirement at this stage of prosecution. That is, the Patent Office has issued two Office Actions on the merits of all of the pending claims 1 and 3-11, i.e., March 28, 2008 (re-mailed May 21, 2008) by Examiner Chong and December 8, 2008 by Examiner Ludlow. However, there is no explanation as to why, in view of the same legal standards, the position of the Patent Office has changed.

Indeed, the fact that all of the claims have been examined twice, each time by a different Examiner, suggests that examination of the pending claims would not pose a serious burden.

Therefore, withdrawal of the restriction requirement is respectfully requested.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our credit card which is being paid online simultaneously herewith for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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